

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 14-17, 27-28 and 33 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Kelsey `261. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Kelsey `261 relates to a small arms bullet or projectile 10 which efficiently causes substantial damage to a target upon impact. The projectile 10 of Kelsey `261 includes a main body 11 having a cylindrical section 12 and a front cone type section 13 (tip). The front section 13 of the projectile 10 includes a curved annular surface 17 and a number of curved ribs 20 that extend outwardly at substantially a 90° angle with respect to the concave surface 17. Each one of these ribs 20 generally comprises three surfaces, two side surfaces 25, 26 and a third outwardly facing sloped surface 22. The two side surfaces 25, 26 extend generally parallel to one another but normal to the third sloping surface 22. Each one of ribs 20 (when viewed along the central axis 29 as shown in Fig. 1), as the ribs 20 extend from a leading flat face 24 of the projectile 10 toward the main body of the projectile 10, curves slightly in a clockwise direction. Each adjacent pair the curved ribs 20, along with the curved annular surface 17 located therebetween, forms a curved channel which gradually increases in size as the curved channel extends from the leading flat face 24 of the projectile 10 toward the main body 11. Each of theses curved channels also has a gradual clockwise curvature as each channel progresses radially and axially toward the main body 11.

It is to be appreciated that any longitudinal axial plane, coincident with the central axis 29 and bisecting any of indentations or channels of the projectile 10 of Kelsey `261, fails to result an indentation which is disposed substantially symmetrically relative to such longitudinal

axial plane. For example, as shown in the attached enlarged reproduction of Fig. 1 of Kelsey `261, any longitudinal axial plane, e.g., longitudinal axial plane LAP, which is coincident with the central axis 29 and bisects any one of indentations or channels of the projectile 10 of Kelsey `261 into two sections, does not result in an indentation which is symmetrically with respect to such longitudinal axial plane LAP, as presently claimed. That is, any longitudinal axial plane LAP, which is coincident with the central axis 29 and any one of indentations or channels of the projectile 10 of Kelsey `261, bisects the indentation or channel into two asymmetrical sections. As such, it is respectfully submitted that Kelsey `261 fails to in any way teach, suggest or disclose any plane, which is coincident with the central axis 29 and extends radially therefrom so as to bisect one of the indentations or channels into two symmetrical sections. It is respectfully submitted that the radial curvature of the ribs and the channels causes the projectile 10 to spin when fired from a gun thus achieving "projectile stability" and "optimal penetration capabilities" as disclosed by Kelsey `261. It is to be appreciated that such objects are directly contrary to the specific objects of the presently claimed projectile.

As will be appreciated from the above discussion, the projectile 10 of Kelsey `261 is quite different in appearance and function from the presently claimed projectile. In particular, the presently claimed projectile includes a cap 12 and a nose 11 having a number of indentations 14. In stark contrast to the indentations or channels of the projectile 10 of Kelsey `261, each of the indentations 14, according to the presently claimed invention, is symmetrical with respect to a longitudinal axial plane which is both coincident with the central axis (not numbered) and bisects the one of the hollow areas 14, or indentations or channels, into two substantially symmetrical sections, see Figs. 1, 3, 4 and 6 of the drawings of the specification on file.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, each of independent claims 14, 27 and 33 of this application now

recites the features of a "projectile . . . comprising at least two indentations (14, 24), each respective indentation being disposed essentially symmetrically in relation to a respective longitudinal axial plane coincident with a longitudinal axis of said projectile and bisecting the respective indentation" Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Claims 18-26 and 29-32 are then rejected, under 35 U.S.C. § 103, as being unpatentable in view of Kelsey `261 and further in view of one of Moser `769, Brooks `320 and Corzine `100. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional references of Moser `769, Brooks `320 and Corzine `100 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Kelsey `261, discussed in detail above, with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Kelsey `261, Moser `769, Brooks `320 and/or Corzine `100 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied

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references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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